

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PETER G. NOE,

Petitioner

v.

USP LEWISBURG,

Respondent

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CIVIL NO. 3:CV-09-0493

(Judge Caputo)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Peter G. Noe, a pro se petitioner, commenced this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 by submitting a letter to the Court. (Doc. 1.) Pursuant to Fed. R. Civ. P. 3, "a civil action is commenced by filing a complaint with the court." The complaint must also contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Petitioner's letter to the court violates both rules. It is not a complaint, or in this case, a Petition for Writ of Habeas Corpus. Rather, what Noe has filed is a three page narrative which describes his dissatisfaction with the Bureau of Prison's decision to place him in administrative segregation and his

rationale as to why he should be housed at another facility. Noe will therefore be required to file a formal habeas corpus petition on this court's recognized form, and one that complies with Rule 8(a)(2).

Accordingly, this 23rd day of **April, 2009**, it is ordered that:

1. Within twenty (20) days of the date of this Order, Plaintiff shall file Habeas Corpus Petition, labeled as such, which complies with the requirements of Fed. R. Civ. P. 8(a)(2).

2. The Clerk of Court is directed to send Noe two (2) copies of this court's form habeas corpus petition, which Noe should use in filing his petition.

3. If Noe fails to comply with paragraph (1) of this order, this action will be dismissed without prejudice.



A. RICHARD CAPUTO
United States District Judge